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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

STEVEN FEEDER, an individual,

Case No. 2:22-cv-00941-CDS-VCF

Plaintiff.

vs.

THE STATE OF NEVADA, a political subdivision organized under the law of the State of Nevada, THE NEVADA ATTORNEY GENERAL AARON FORD, in his individual and official capacity; ASSISTANT ATTORNEY GENERAL MICHAEL KOVAC, in his individual and official capacity DOES I through X, inclusive.

**JOINT STIPULATION TO STAY  
DISCOVERY PENDING RESOLUTION  
OF MOTION TO DISMISS**

### Defendants.

Pursuant to Local Rules IA 6-2 and LR 7-1, Plaintiff, STEVEN FEEDER and Defendants THE STATE OF NEVADA, THE NEVADA ATTORNEY GENERAL, AARON FORD, and ASSISTANT ATTORNEY GENERAL MICHAEL KOVAC (collectively “Defendants”) hereby stipulate and agree to stay discovery in this case pending resolution of Defendants’ motion to dismiss (ECF No. 6).

The parties submit that good cause exists for this stipulation to be granted under applicable law. Specifically, courts in the District of Nevada apply a two-part test when

1 evaluating whether a discovery stay should be imposed. *TradeBay, LLC v. Ebay, Inc.*, 278  
2 F.R.D. 597, 600 (D. Nev. 2011) (citations omitted). First, the pending motion must be  
3 potentially dispositive of the entire case or at least the issue on which discovery is sought.  
4 *Id.* Second, the court must determine whether the pending motion to dismiss can be decided  
5 without additional discovery. *Id.* When applying this test, the court must take a  
6 “preliminary peek” at the merits of the pending dispositive motion to assess whether a stay  
7 is warranted. *Id.* The purpose of the “preliminary peek” is not to prejudge the outcome of  
8 the motion to dismiss. Rather, the court’s role is to evaluate the propriety of an order  
9 staying or limiting discovery with the goal of accomplishing the objectives of Rule 1.

10 Here, Defendants filed a motion to dismiss premised on Eleventh Amendment  
11 immunity, absolute prosecutorial immunity, qualified immunity, and failure to state a  
12 claim. ECF No. 6. While Plaintiff disagrees on the merits of Defendants’ motion (see ECF  
13 No. 7), the parties agree that Defendants’ motion is “potentially dispositive” of this case  
14 and “can be decided without additional discovery,” meeting this court’s standard of good  
15 cause for a stay of discovery.

16 Counsel for the parties conferred on this and other discovery obligations Friday,  
17 December 9, 2022 before submitting this stipulation.

18 DATED this 13th day of December, 2022.

19 **MUELLER & ASSOCIATES, INC.**

20  
21 /s/ Craig A. Mueller  
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26 Attorney for Defendants

IT IS SO ORDERED.

Dated 12-13-2022



27  
28 **UNITED STATES MAGISTRATE JUDGE**